

Below are several recent e-news items that may be of interest.

Please be sure to note that in some cases the information presented may be the opinion of the original author. We need to be sure to view it in the context of our own organizations and environment. In some cases you may need legal opinions and/or decision documentation when interpreting the rules.

Many thanks to all who contributed to this information!!!
Have a great day!!!
Ken

Items included below are:

- HHSDC HIPAA Training
- California Laws and Regulations
- WEDI-SNIP "White Papers" and Info
- AHIMA Practice Briefs
- [hipaalive] PRIVACY: Information Flow Survey
- [hipaalive] GENERAL: Dealing with HIPAA, Medicare & JCAHO standards
- [hipaalive] PRIVACY: Emailing of Patient Information
- H I P A A L E R T - l i t e September 5, 2001

***** HHSDC HIPAA Training

The HHSDC Training Center is pleased to offer additional training courses on the Health Insurance Portability and Accountability Act (HIPAA).

These courses cover the following HIPAA topics:

- HIPAA Overview
- Privacy
- Security
- Transactions, Code Sets, and Identifiers
- Electronic Data Interchange (EDI)
- EDI Gap Analysis
- ASC X12 Syntax
- HIPAA Project Planning

Their Websites are:

www.training.ca.gov
<http://www.training.ca.gov/HIPAA/default.asp>

Class can be modified to meet your specific organization's needs and issues. Classes are also able to be held at your site and are open to counties and other public programs.

***** California Laws and Regulations

In answer to several questions, below are several links to laws and regulations that folks may wish to reference. I am certain other sources exist.

The California Code of Regulations is available at: <http://ccr.oal.ca.gov/>

Also, the California Mental Health Laws and Regulations are available at:
<http://www.dmh.cahwnet.gov/Admin/regulations/regulations.htm>

Laws and Regulations

Publication

The California Department of Mental Health is pleased to present the

2001 edition of the California Mental Health Laws and Regulations. Its

purpose is to provide a convenient resource for the government and private

sectors, mental health professionals, attorneys, clients, advocates, and

the general public to identify California's mental health statutes and

regulations.

The citations are excerpts from the statutes and regulations.

This publication is an information tool only. Every effort has been made to

reproduce an all-inclusive listing. For absolute accuracy, please reference

the publications of the official statutes and regulations for the complete

text.

***** WEDI-SNIP "White Papers" and Info

WEDI-SNIP has a "White Paper" on Security and Privacy that has number of topics that may have value for those considering related issues. It can be found at:

<http://snip.wedi.org/public/articles/index.cfm?cat=2>

Several other interesting groups of White Papers are:

Transactions Workgroup White Papers

<http://snip.wedi.org/public/articles/index.cfm?Cat=15>

White Paper disclaimer statement.
Front-end Edits (draft)
Transaction Sequencing (draft)
Clearinghouse Transactions and Connectivity (draft)
Data and Code Set Compliance
Trading Partner Agreements
Impact on DDE Services
Testing and Certification
Business-to-Business Transaction Set Testing
National Drug Code (NDC)
Sequencing Proposal

Security and Privacy White Papers

<http://snip.wedi.org/public/articles/index.cfm?Cat=17>

White Paper disclaimer statement.

WEDI SNIP Security White Paper Version 3.0 DRAFT - July 2001

(pdf)

Other excellent information at

<http://www.wedi.org/public/articles/details.cfm?id=37> is:

Guide to Understanding and Complying with HIPAA Security and
Privacy Regulations

Beacon Partners: HIPAA Privacy Rule Detailed Briefing

Related to security at

<http://www.wedi.org/public/articles/index.cfm?Cat=187> is

HIPAA Security Matrix

DRAFT HIPAA SECURITY SUMMIT GUIDELINES

***** AHIMA Practice Briefs

Information on a variety of topics is available at:

www.ahima.org/infocenter/index.html

Other AHIMA Webpages have some very good data sources.

Practice Briefs

ISSUE	VOL.	TITLE
Oct '01	72-9	
		Developing a Physician Query Process
Sept '01	72-8	
		Redisclosure of Patient Health Information
Jul/Aug '01	72-7	
		Developing a Coding Compliance Policy Document
June '01	72-6	
		Transfer of Patient Health Information Across the Continuum (Updated)
June '01	72-6	
		Patient Photography, Videotaping, and Other Imaging (Updated)
June '01	72-6	

	Letters of Agreement/Contracts (Updated)
June '01	72-6
	Facsimile Transmission of Health Information (Updated)
June '01	72-6
	A HIPAA Privacy Checklist
May '01	72-5
	Patient Anonymity (Updated)
May '01	72-5
	Laws and Regulations Governing the Disclosure of Health Information
May '01	72-5
	Consent for the Use or Disclosure of Individually Identifiable Health Information
May '01	72-5
	Notice of Information Practices

ETC.....

***** [hipaalive] PRIVACY: Information Flow Survey *****

*** This is HIPAAlive! From Phoenix Health Systems ***

Good Afternoon,

I did receive the sample survey from the AHIMA website. The correct address is below: <http://www.ahima.org/journal/features/feature.0106.1.htm>. You can access

the survey by clicking on a link at the bottom of the article.

Thanks for all of your help!

Dana

***** [hipaalive] GENERAL: Dealing with HIPAA, Medicare & JCAHO standards *****

*** This is HIPAAlive! From Phoenix Health Systems ***

Miguel

I don't know what level of management sent you the memo, but my initial response was "Could you be more specific?" (of course if the memo came from the CEO - I'd find a different level of management to ask that questions of)

My suggestion is to first find out who in your organization has been given responsibility to lead the HIPAA compliance initiatives, who handles JCAHO reviews and has copies of the standards and can help you look through them as they pertain to pharmacy, and who deals with Medicare issues and requirements. Hopefully they are resources within

your organization that can help you.

I am assuming, since you deal with JCAHO, that your organization is a hospital. Do you also have outpatient or retail pharmacies? If you do, how are you submitting claims for service now? The 10/16/02 date pertains specifically to the standards for HIPAA defined EDI transactions, IP pharmacy will be handled in the 837 claim standard for institutions. Retail pharmacies will use versions of the NCPDP EDI standards. This issue leads you back to who in your organization is leading the HIPAA charge and the assessment process for the EDI transactions.

The next issue is compliance with the Privacy rules. Privacy shouldn't be a "how is each dept. within the hospital going to handle the privacy issues HIPAA will uncover, but what is the organization's privacy philosophy, what will the privacy practices be, and how will they impact pharmacy (or any other dept. within the organization)? This should be an organizational team approach. And compliance with privacy is 4/14/03.

Then there are the Security rules, no final rule published yet so no compliance date. Who is the Security Manager or official [this person may wear a couple of hats and may be in the IT Dept.]? Who ever is in charge of the security aspect of HIPAA should be looking at all the current policies, procedures, processes around infrastructure security, individual system security and access, monitoring, security of transactions, training, etc. Again, the approach to security needs to be comprehensive; there may be department specific issues, but they are part of the organization security picture.

I don't know that this message will help much, given the kind of directive you received, but I'd be looking to internal resources and direction.

Christine Jensen
HIPAA Project Manager
Denver Health
303-436-7942

***** [hipaalive] PRIVACY: Emailing of Patient
Information *****
*** This is HIPAAlive! From Phoenix Health Systems ***

Hello Evan,

There is no provision in the HIPAA regulations whereby a patient may waive a

security rule requirement. Email must be encrypted because it traverses third-party systems over which access can not be controlled by the sender nor by the receiver. The applicable section of the security regulation is § 142.308(d)(1)(ii). Even if a particular patient signed a blanket authorization allowing disclosure of all of his PHI to everyone on the planet, this requirement would still apply. The security rule imposes a standard on the storage, access and transmission of data. The purpose of the security rule is to ensure the confidentiality, integrity and availability of data and services, not to protect individual patient rights.

Bye for now -- Harry

Harry E. Smith, CISSP
Timberline Technologies LLC
Telephone: 303-717-0793
Email: Harry_E_Smith@TimberlineTechnologies.com

*** This is HIPAAlive! From Phoenix Health Systems ***

It is not specifically prohibited by the Privacy Rule but would be under the proposed Data Security Rule. You may also wish to check state statute and case law. I know case law exists (I don't have the links handy, though) for Texas and New York. If the information is in relation to Medicare or Medicaid, I don't know if even a signed agreement from the patient authorizing such communication and acknowledging the risks is acceptable. This would be a good question to forward to your Medicaid agency and CMS.

All that said, if it is at all feasible, I think all communication of a confidential nature between a provider and a patient should be encrypted. Secure web-based messaging products exist that are relatively easy to use and don't require the exchange of key pairs, etc.

Chris Apgar,
Data Security & HIPAA Compliance Officer
Providence Health Plan
Phone: (503) 574-7927, X-47927
Fax: (503) 574-8655
Pager: (800) 425-5123
E-mail: apgarc@providence.org

***** HIPAA L E R T - l i t e September 5, 2001

>>> <info@phoenixhealth.com> 09/05/01 10:21AM >>>

=====

H I P A A L E R T - l i t e September 5, 2001

>> From Phoenix Health Systems...HIPAA Knowledge...HIPAA Solutions <<
> Healthcare IT Consulting & Outsourcing <

=====

Subscribe free at: <http://www.hipaadvisory.com/alert/>

=====

H I P A A n e w s

*** Congressman Joins Doctors' Privacy Suit Filed Today ***

According to U.S. Newswire, Rep. Ron E. Paul (R-TX) joined the Association of American Physicians and Surgeons (AAPS) as a plaintiff in a lawsuit filed today in Houston against HHS and Secretary Tommy Thompson to overturn HIPAA privacy regulations as unconstitutional. "Far from protecting privacy, these rules give government officials and certain private interests a new federal right to access medical records without consent," said Rep. Paul, who is also a physician. "AAPS deserves the gratitude of every American for fighting to stop these regulations and I am pleased to support their efforts."

<http://www.hipaadvisory.com/news/2001/aaps0830.htm>

*** Abortion Privacy Suit Heard ***

A judge heard testimony last week in a privacy violation suit brought by an Illinois woman whose photo and medical records were posted to the Internet by antiabortion activists after she underwent an abortion, the St. Louis Post-Dispatch reports. The woman, identified only as Jane Doe, testified that she was "humiliated and frightened by the events," adding that even though her name was not posted to the Web, she felt she could be identified by the photo and other personal details included in the records. After the testimony, the judge ordered that the records and photo remain off the Internet, reinforcing a temporary order issued in July.

<http://www.hipaadvisory.com/news/2001/stl0823.htm>

=====

H I P A A l a t e s t

NEW IN HIPAALIVE:

- Premium Digest started distribution yesterday...Sign up now!

<http://www.hipaadvisory.com/live/prem.htm>

NEW IN HIPAAZINE:

** Giving the Web a Memory Cost Its Users Privacy (first of three articles) **

While public anger has grown over invasions of privacy both real and imagined, momentum in Washington to restrict the use of cookies and other high-technology tools for monitoring Internet users' activities has slowed.

<http://www.hipaadvisory.com/news/Hipaazine.htm#nyt0904>

NEW ON THE CALENDAR:

- September

WEDI SNIP Webcast, "Implementing HIPAA Privacy: What's New in the HHS Privacy Guidance"

WEDI SNIP Security and Privacy Workgroup

September 28, 2001 at 1:00 p.m. EDT

<http://snip.wedi.org/public/articles/details.cfm?id=218>

=====

HIPAAAlert-lite is our weekly version of HIPAAAlert, Phoenix Health Systems' acclaimed monthly email newsletter. HIPAAAlert-lite is published each Monday to keep subscribers abreast of breaking news and industry developments in healthcare privacy and security.

Our Other HIPAA resources:

Web site: <http://www.hipaadvisory.com>

Discussion List: <http://www.hipaadvisory.com/live/>

Weekly Awareness Note: <http://www.hipaadvisory.com/notes/>

=====

COMMENTS? Email us at info@phoenixhealth.com

SUBSCRIBE? Visit <http://www.hipaadvisory.com/alert/>

ARCHIVES: <http://www.hipaadvisory.com/alert/newsarchives.htm>

=====

Copyright 2001, Phoenix Health Systems, Inc. All Rights Reserved.

Reprint by permission only.

<http://www.phoenixhealth.com> 301-869-7300

=====

FORWARD this posting to interested associates, who may subscribe free to HIPAAAlert at:

<http://www.hipaadvisory.com/alert/>

Subscribe to our free discussion list at:

<http://www.hipaadvisory.com/live/>

Get a weekly byte of HIPAA at:

<http://www.hipaadvisory.com/notes/>

Switch to HTML version or to text version at:

<http://www.hipaadvisory.com/signup/change.cfm>